

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

LABORERS PENSION TRUST FUND - DETROIT
& VICINITY, *et al*,

Plaintiffs,

Civil Action No. 03-71748
Honorable JOHN CORBETT O'MEARA
Magistrate Judge DONALD A. SCHEER

v.

UNITED MECHANICAL & CONVEYOR, INC,

Defendant

**ORDER GRANTING PLAINTIFFS'
MOTION TO AMEND JUDGMENT**

At a session of said Court, held at the
United States District Courthouse,
Ann Arbor, Michigan

Presiding: Honorable JOHN CORBETT O'MEARA
United States District Judge

This matter has come to be heard upon plaintiffs' MOTION TO AMEND JUDGMENT (docket item No.20), filed on January 13, 2006. It seeks relief in the amount of \$3,265.61.¹

Plaintiffs' motion is non-dispositive, pursuant to E.D. Mich.L.R.7.1(d)(2), and required a response (if opposed) from defendant on or before January 27, 2006. Defendant's response (docket item No.25) was not filed until March 7, 2006, and was therefore delinquent. Furthermore, the defendant is a domestic Michigan corporation and "[t]he rule of this circuit is that a corporation cannot appear in federal court except through an attorney." *Doherty v. American Motors Corp.*, 728

¹ That being the sum of \$67.61 in unpaid liquidated damage assessments pursuant to the collective bargaining agreement, plus \$285.00 in costs and \$2,913.00 in attorneys' fees through January 11, 2006.

F.2d 334, 340 (C.A.6, 1984)(citing *Ginger v. Cohn*, 426 F.2d 1385, 1386 (C.A.6, 1970), *United States v. 9.19 Acres of Land*, 416 F.2d 1244, 1245 (C.A.6, 1969)). The response filed by the defendant was signed by Jane Bernier, who is defendant's corporate officer and who is not an attorney. Accordingly, defendant's response is ineffective as a response to plaintiffs' motion. Pursuant to E.D.Mich.L.R.7.1(b), there being no effective response to plaintiffs' motion from defendant, this Court finds that plaintiffs' motion is UNOPPOSED.

Plaintiffs' motion is hereby GRANTED for the relief requested therein, and an amended judgment shall be entered forthwith.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: March 23, 2006